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U. S. Department of Agriculture

## United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1-30

COSMETICS<sup>1</sup>

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., March 4, 1940.

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## COSMETICS, ADULTERATED OR ADULTERATED AND MISBRANDED

## EYELASH AND EYEBROW DYES

1. **Adulteration of Lash Lure. U. S. v. 23 Boxes of Lash Lure (and 33 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. D. C. Nos. 1, 2, 3, 4, 6, 13, 15, 22, 23, 25, 30, 31, 32, 33, 34, 36, 39, 41, 42, 45, 48, 49, 50, 52, 55, 61, 64, 68, 76, 77, 149, 159, 179, 180. Sample Nos. 696-D, 697-D, 1800-D, 9210-D, 9211-D, 9215-D, 15300-D, 15943-D, 15944-D, 15954-D, 15991-D, 19621-D, 21532-D, 22241-D, 23672-D, 23801-D, 23802-D, 23803-D, 23806-D, 23810-D, 23812-D, 23815-D, 23869-D, 24007-D, 24008-D, 27561-D, 30510-D, 30584-D, 31001-D, 37926-D, 37927-D, 41584-D, 42660-D, 42661-D.)

This product contained a poisonous or deleterious substance—paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in its labeling as quoted and indicated hereinafter or under such conditions of use as are customary or usual.

Between the dates of July 15, 1938, and March 3, 1939, the United States attorneys for the Eastern District of Wisconsin, Southern District of Texas, Eastern District of Michigan, District of Minnesota, Western District of Texas, Northern District of Texas, Western District of Oklahoma, District of Kansas,

<sup>1</sup> Notices of judgment under the Federal Food, Drug, and Cosmetic Act are published in three series: Foods (F. N. J.); Drugs and Devices (D. D. N. J.); and Cosmetics (C. N. J.).

Eastern District of Texas, Middle District of North Carolina, Northern District of Georgia, Northern District of Ohio, Northern District of Alabama, Western District of Louisiana, District of Colorado, Eastern District of Oklahoma, District of Utah, and the Western District of New York filed libels against 762 boxes and 276 envelopes of Lash Lure in various lots at Milwaukee, Wis.; Houston, Tex.; Detroit, Mich.; Minneapolis, Minn.; Waco, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Pittsburg, Kans.; Kilgore, Tex.; Brownwood, Tex.; Beaumont, Tex.; Winston-Salem, N. C.; Atlanta, Ga.; San Angelo, Tex.; Toledo, Ohio; Cleveland, Ohio; Wichita Falls, Tex.; Birmingham, Ala.; Shreveport, La.; Pueblo, Colo.; Lubbock, Tex.; Chickasha, Okla.; Salt Lake City, Utah; and Buffalo, N. Y.; alleging that the article had been shipped in interstate commerce within the period from on or about June 28, 1938 to on or about January 19, 1939, either under the name Lash Lure Cosmetic Manufacturing Co., Cosmetic Manufacturing Co., or Lash Lure; and charging that it was adulterated for the reasons appearing hereinbefore.

The article was labeled in part as follows: (Envelopes and boxes) "Lash Lure the new and improved Eye Brow and Lash Dye \* \* \* Cosmetic Mfg. Co. \* \* \* Los Angeles, Calif."

A circular enclosed with all lots, with one exception, contained the following directions for use: "Empty the entire contents of Lash Lure into a small sterilized glass dish. Add about 15 drops of ["fresh" in some circulars] 17 Volume peroxide to the powder and mix well into a medium paste. Apply any facial cream to one side of eye-shield (inclosed in package) and place under each eye to prevent staining of the skin. Have patron's eyes open while applying shields. Apply paste to lashes or brows with small round stick (have eyes closed). Leave on about 2 minutes for brown shade, and from 5 to 6 minutes for black. Remove paste with cotton moistened with lukewarm water. Important: Be sure all the lashes are on top of the eyeshields before applying paste. Keep eyes closed until finished—do not shut too tight. Do not have swab too wet when removing the paste and don't rub ["too" in some circulars] hard. Be sure all dye is removed. Wash swab out several times in lukewarm water while removing the paste. Never apply Lash-Lure to granulated eyelids or any other inflamed conditions. Lash-Lure is applied only by licensed operators. If an eye dropper is used, be sure it has not been used for ammonia or other chemicals. Do not use argyrol or other medication in the eye before or after Lash-Lure. Do not use any stain remover or soap ["or soap" omitted from some circulars] near the eye. A skin reaction test should be made before Lash-Lure is applied to determine any susceptibility to dyes. For the Protection of Beauty Operators have your patrons sign the enclosed waiver. Our records show that only one person in several thousand is susceptible to dye, but warning should be given."

The remaining lot was accompanied by a circular which contained similar directions for use.

Between the dates of August 22, 1938, and March 27, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2. **Adulteration of Lash Lure.** U. S. v. Charlotte Kolnitz (Cosmetic Manufacturing Co.). Plea of *nolo contendere*. Fine, \$100 on each of 23 counts. Fine remitted with exception of \$250. (F. D. C. No. 89. Sample Nos. 695-D, 696-D, 697-D, 1800-D, 9210-D, 9211-D, 15300-D, 15540-D, 15823-D, 15943-D, 15944-D, 15954-D, 19621-D, 21532-D, 22241-D, 23672-D, 23801-D, 23802-D, 23803-D, 23806-D, 23869-D, 24007-D, 24008-D.)

This product contained a poisonous or deleterious substance—paraphenylenediamine, which under the conditions of use prescribed in its labeling might have rendered it injurious to users. All lots bore the labeling quoted in No. 1 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California, filed an information against Charlotte Kolnitz, trading as the Cosmetic Manufacturing Co., at Los Angeles, Calif., alleging that the said defendant had introduced and delivered for introduction into interstate commerce, within the period from on or about June 27 to on or about July 22, 1938, from the State of California into the States of South Carolina, North Carolina, Georgia, Texas, Kansas, Missouri, Oklahoma, Michigan, Wisconsin, and Ohio quantities of Lash Lure, which was an adulterated cosmetic.

On March 13, 1939, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of the 23 counts and ordered that judgment be satisfied upon payment of \$250.

**3. Adulteration of Magic-Di-Stik. U. S. v. 68 Cartons of Magic-Di-Stik Lash and Brow Dye (and 18 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 26, 27, 29, 35, 37, 38. Sample Nos. 694-D, 9207-D, 9208-D, 9209-D, 9468-D, 21533-D, 23804-D, 23805-D, 24006-D, 24021-D, 24544-D, 24545-D, 24773-D, 28519-D, 33834-D, 36401-D, 37617-D, 37754-D, 37801-D.)**

This product contained paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter or under such conditions of use as are customary or usual.

Between July 22 and August 5, 1938, the United States attorneys for the Southern District of Texas, Western District of Tennessee, Eastern District of Louisiana, District of Columbia, Western District of Washington, Eastern District of Michigan, Northern District of Ohio, Southern District of Indiana, Northern District of Alabama, Eastern District of Missouri, Western District of Arkansas, Southern District of Mississippi, Northern District of Texas, District of Kansas, Eastern District of Texas, Western District of New York, and Western District of South Carolina filed libels against a total of 942 packages of Magic-Di-Stik Lash and Brow Dye, in various lots, at Houston, Tex.; Memphis, Tenn.; New Orleans, La.; Washington, D. C.; Olympia, Wash.; Detroit, Mich.; Akron, Ohio; Indianapolis, Ind.; Birmingham, Ala.; St. Louis, Mo.; Fort Smith, Ark.; Meridian, Miss.; San Angelo, Tex.; Pittsburg, Kans.; Beaumont, Tex.; Dallas, Tex.; Buffalo, N. Y.; and Greenville, S. C.; alleging that the article, with the exception of one lot, had been shipped in interstate commerce within the period from on or about June 27 to on or about July 18, 1938, from Los Angeles, Calif., by Magic-Di-Stik (or Magic-Di-Stik Co.); that one lot had been shipped on or about June 22, 1938, by Magic-Di-Stik from Los Angeles, Calif., into the District of Columbia and was in possession of the National Beauty & Barber Supply at Washington, D. C., intended for sale in the District of Columbia; and charging that the article was adulterated.

The article was labeled in part: (Envelope) "Magic-Di-Stik Lash and Brow Dye Caution This product must be applied by licensed beauty operators only, as per directions inclosed in each box. It must not be sold to or used by the public for home application"; (circular) "Follow Directions and Cautions Carefully to Insure Perfect Results Directions \* \* \* 2. Apply a facial cream to one side of eye shield and place under each eye to prevent staining of skin. Have patrons' eyes open while applying shields, then close them. 3. Place about 15 drops of fresh 17 volume peroxide in a sterilized glass dish. 4. Dip the Magic-Di-Stik in the peroxide and apply to the lashes and brows (wet the Magic-Di-Stik several times while applying if necessary.) Be sure the hair is well covered with the dye. 5. Leave on about 7 or 8 minutes for black and 3 or 4 minutes for brown shade. 6. Wash well with clean cotton and luke warm water (hold a piece of cotton below the brows to prevent running into eyes while washing.) Cautions \* \* \* 2. Keep eyes closed until finished. 3. Never pluck brows before or after applying the dye. Do not apply to granulated eyelids or any other inflamed conditions. 5. Do not use any medication in the eyes before or after. 6. To be applied only by licensed beauty operators. 7. Rare cases of idiosyncrasy may exist that are determined by a skin reaction test. 8. Do not use any stain remover near the eyes. 9. Avoid excessive rubbing of the skin or the use of any chemicals, soaps, or stain removers near the eyes. 10. Obtain the signature of each patron on the waiver slips before applying Magic-Di-Stik. Directions for Skin Reaction Test This product contains a reduced form of an aniline derivative and may cause skin irritation on certain individuals. Make the following skin reaction test before applying Magic-Di-Stik: Dip the Magic-Di-Stik in 17 volume peroxide and apply to the skin behind the ear. After eight minutes, wash with cotton soaked in warm water. If, within 24 hours a rash appears where the dye was applied, do not apply Magic-Di-Stik. \* \* \* Manufactured by Dependable Concentrated Cosmetics Inc."

Between the dates of August 18 and December 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



- 4. Adulteration of Magic-Di-Stik. U. S. v. Isaac Dellar and S. Meyer Kolnitz (Magic-Di-Stik).** Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 90. Sample Nos. 694-D, 9207-D, 9208-D, 9209-D, 9468-D, 21532-D, 23804-D, 23805-D, 24006-D, 24021-D, 24544-D, 24545-D, 24773-D, 24778-D, 28519-D, 36401-D, 37617-D, 37754-D, 37801-D.)

This product contained a poisonous or deleterious substance, namely, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 3 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California filed an information against Isaac Dellar and S. Meyer Kolnitz, trading as Magic-Di-Stik, Los Angeles, Calif., alleging shipment by said defendants within the period from on or about June 27 to on or about July 14, 1938, from the State of California into the States of South Carolina, Texas, New York, Michigan, Ohio, Indiana, Tennessee, Arkansas, Missouri, Washington, Kansas, Louisiana, Mississippi, and Alabama of quantities of Magic-Di-Stik, which was an adulterated cosmetic.

On September 11, 1939, the defendants entered pleas of nolo contendere. Pronouncement of sentence was withheld and the defendants were given 1 year's probation, concurrently, on each of the 19 counts of the information.

- 5. Adulteration of Loris Permanent Lash and Brow Colure. U. S. v. 12 Cartons and 9 Boxes of Loris Permanent Lash and Brow Colure. Default decrees of condemnation and destruction.** (F. D. C. Nos. 24, 46, 47. Sample Nos. 2142-D, 22641-D, 22642-D.)

This product contained a poisonous or deleterious substance, viz, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On or about August 5 and 8, 1938, the United States attorneys for the Western District of New York and the Western District of Michigan filed libels against 12 cartons of the above-named product at Buffalo, N. Y., and 9 boxes at Marquette, Mich.; alleging that the article had been shipped in interstate commerce within the period from on or about July 11 to on or about July 19, 1938, by the Loris Laboratories from Chicago, Ill.; and charging that it was adulterated.

The article was labeled in part: "Put contents of one capsule in mixing bowl and add 17 volume peroxide to make paste. Apply cream to skin underneath the eye to hold eye-shields in place. Cover lashes completely with paste and leave on about five minutes for deep black. Remove the dye thoroughly with water and cleanse with a good eye wash. Do not attempt to dye infected or granulated eyelids and be cautious at all times to insure safety. To obtain completely satisfactory results it is necessary to use entire contents of one capsule for each lash and brow dye."

On September 8 and 19, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

- 6. Adulteration of Loris Permanent Lash and Brow Colure. U. S. v. Elmer J. Paine and Russell H. Albin. Plea of nolo contendere by Elmer J. Paine. Plea of guilty by Russell H. Albin. Imposition of sentence suspended and defendants placed on probation for 2 years.** (F. D. C. No. 93. Sample Nos. 2142-D, 22641-D, 22642-D.)

This product contained paraphenylenediamine, a poisonous or deleterious substance that might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 5 of this publication.

On February 27, 1939, the United States attorney for the Northern District of Illinois filed an information against Elmer J. Paine and Russell H. Albin, trading at Chicago, Ill., alleging shipment by said defendants, within the period from on or about July 7 to on or about July 19, 1938, from the State of Illinois into the States of Michigan and New York of quantities of Loris Permanent Lash and Brow Colure, which was an adulterated cosmetic.

On October 31, 1939, Elmer J. Paine entered a plea of nolo contendere and on the same date Russell H. Albin entered a plea of guilty. Imposition of sentence was suspended and the defendants were placed on probation for 2 years.

- 7. Adulteration of Hollywood Lash and Brow Dye. U. S. v. 26 Cartons of Hollywood Lash and Brow Dye (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. D. C. Nos. 57, 58, 60. Sample Nos. 10151-D, 23813-D, 27546-D.)

This product contained a poisonous or deleterious substance—paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On or about August 19 and 22 and September 1, 1938, the United States attorneys for the Eastern and Northern Districts of Texas and the Southern District of Florida filed libels against 26 cartons of Hollywood Lash and Brow Dye at Bonham, Tex., 18 cartons of the product at Amarillo, Tex., and 15 cartons at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about July 23, 1938, by the Hollywood Lash Dye Co. from Hollywood and Los Angeles, Calif.; and charging that it was adulterated.

A leaflet contained in the packages bore the following statements: "Directions 1. Wash brows and lashes with cotton and water—remove any mascara. 2. Place dye powder into sterilized glass dish, add about 15 drops of 17 Volume Fresh peroxide, mix thoroughly into a medium paste. 3. Have patron in semi-upright position. 4. Apply any facial cream to one side of eye-shield (inclosed herewith), place under each eye while patron's eyes are open (this prevents staining of skin.) 5. (Have Eyes Closed) apply paste to lashes or brows with small round orange stick—(2 minutes for brown shade)—(4 to 5 minutes if black is desired.) 6. Remove paste with cotton Moistened in Lukewarm Water. Be sure all dye is removed. Cautions 1. Keep in dry place. 2. Be Sure all lashes are on top of eye-shields before applying paste. 3. Keep eyes closed until finished (Not Too Tight.) 4. When removing paste rub gently—do not have swab too wet (washing swab several times in lukewarm water.) 5. Do Not Pluck Brows Before Or After Applying Dye and never to granulated eye lids or inflamed conditions. 6. Hollywood Lash Dye is applied only by licensed operators. 7. Rare cases of idiosyncrasy may exist. A skin re-action test should be made to determine these cases. 8. Do not use argyrol or other medication in the eyes before or after Lash Dye. 9. Do not use any stain remover near eyes—or any eye dropper that has been used for ammonia or other chemicals."

On September 28, October 10, and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**8. Adulteration of Hollywood Lash and Brow Dye. U. S. v. Burton Lowell (Hollywood Lash Dye Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 91. Sample Nos. 10151-D, 23813-D, 27546-D.)**

This product contained paraphenylenediamine, a poisonous or deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 7 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California filed an information against Burton Lowell, trading as the Hollywood Lash Dye Co., Hollywood, Calif., alleging shipment by said defendant within the period from on or about July 8 to July 25, 1938, from the State of California into the States of Florida and Texas of quantities of Hollywood Lash and Brow Dye, which was an adulterated cosmetic.

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 18, 1939, the court announced that imposition of sentence would be suspended for 2 years on condition that the defendant did not manufacture the lash dye involved during that period.

**9. Adulteration of Mary Luckie Improved Lash and Brow Dye. U. S. v. 24 Packages of Mary Luckie Improved Lash and Brow Dye (and 8 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 78 to 86, incl., 88. Sample Nos. 9216-D, 9217-D, 23820-D, 23829-D, 23830-D, 23831-D, 23832-D, 23833-D, 27599-D, 30627-D.)**

This product contained paraphenylenediamine and hydrogen peroxide, and was an adulterated cosmetic as explained hereinafter.

Between October 21 and October 29, 1938, the United States attorneys for the Northern, Eastern, and the Southern Districts of Texas filed libels against 122 packages of Mary Luckie Improved Lash and Brow Dye in various lots at Dallas, Fort Worth, Lubbock, Tyler, Kilgore, Amarillo, and Houston, Tex.; alleging that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about August 23, 1938, by Mary Luckie, Inc.; and charging that it was adulterated.

The article was labeled in part: (Circular) "Directions in the Use of Mary Luckie Lash And Brow Dye To Be Applied by Registered Licensed Beauty Operator Only Use glass, china or wooden dish to mix, as follows: Mix one spoonful of No. 3, No. 4, No. 5 (spoon enclosed in unit). This is the Dye

Mixture. Next prepare patron. Drop two drops of contents of bottle No. 1 into eyes. This is a medically approved Eye Wash. Use cotton to remove all Eye Wash from around eyes. Next make a swab of cotton on a small orange stick, dip in bottle No. 2 and cover brow, lashes and skin around eye. Apply freely in and through the brows, as this oil will prevent the dye staining the skin, at the same time will permit the lashes and brows to dye. Next place the paper plaques (enclosed in unit) underneath lower lash—then ask patron to close eyes and relax. Next, with clean orange stick apply the mixture from the dish to lashes first, then the brows. Leave 5 to 10 minutes after the dye is on brows. It is not necessary to leave on longer. Have cotton wet with cold water, gently remove brow application first, then working downward on lashes, remove all of the dye mixture on the paper plaque, then remove plaque. Patron's eyes must be closed until you have removed all the mixture from upper and lower lashes. Last, drop more Eye Wash from bottle No. 1 with eye-dropper enclosed in unit. This will cleanse eye. Keep dropping in Eye Wash until eye feels clean and clear. Use no soap. \* \* \* You are at liberty to make the paste thicker using more of the powder from No. 3"; (circular accompanying most shipments) "Warning Mary Luckie Lash and Brow Dye is to be applied only by a licensed beauty operator who has been taught to give primary dye tests. Mary Luckie, Inc., requests that you use the following method: Follow the directions enclosed in each and every unit of Mary Luckie Lash and Brow Dye to mix No. 3, 4 and 5. Apply a generous amount of this mixture to the skin back of the ear lobe then seal with gauze and tape and leave for 24 hours. If patron is allergic the skin will show pink and no lash and brow dye should be given until this test repeated shows negative. This is not a test of Mary Luckie Lash and Brow Dye but a test of the patron as many people have an idiosyncrasy for any dye."

Adulteration of all lots, with the exception of two seized in the Eastern District of Texas, was alleged in that the article contained paraphenylenediamine and hydrogen peroxide, poisonous and deleterious substances which might have rendered the use of the said article injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. The libels filed in the Eastern District of Texas alleged adulteration in that the article contained a poisonous or deleterious substance, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling.

Between the dates of November 10, 1938, and May 19, 1939, the consignees of three of the lots seized at Dallas, Tex., having admitted the allegations of the libels and having consented to the entry of decrees and no appearance having been entered in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

**10. Adulteration of Ideal Lash and Brow Dye. U. S. v. George W. Eilert (Ideal Lash & Brow Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 92. Sample No. 36326-D.)**

This product contained a poisonous or deleterious substance, namely, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted below.

On March 6, 1939, the United States attorney for the Southern District of California filed an information against George W. Eilert, trading as the Ideal Lash & Brow Co., Los Angeles, Calif., alleging shipment by said defendant on or about July 21, 1938, from the State of California into the State of Nevada of a quantity of Ideal Lash and Brow Dye, which was an adulterated cosmetic.

The article was labeled in part: "Ideal Lash & Brow Co. Manufactured by the Originator and Inventor of Lash Lure. Directions for Ideal Lash and Brow Dye Apply cold cream around brows and lashes, keeping cream off hair line; then mix enough peroxide to contents to make a paste, and apply to brows and lashes; leave on five minutes for deep black, then remove with clear water."

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 25, 1939, the court suspended imposition of sentence and placed the defendant on probation for 1 year upon condition that he did not again violate this act.



**11. Adulteration of Andree Eye Lash and Brow Colure. U. S. v. 72 Capsules of Andree Permanent Eye Lash and Eye Brow Colure. Default decree of condemnation and destruction. (F. D. C. No. 562. Sample No. 47483-D.)**

This cosmetic contained paraphenylenediamine, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed in its labeling, or under such conditions of use as are customary or usual.

On September 7, 1939, the United States attorney for the District of Columbia filed a libel against 72 capsules of the above-named product at Washington, D. C.; alleging that the article was being offered for sale in the District of Columbia at the Metropolitan Beauty Shop, Washington, D. C.; and charging that it was adulterated. The article was received by the dealer in box labeled in part: "Andree Permanent Eye Lash and Brow Colure. This Colure Contains No Lead Nor Silver. Andree Laboratories P. O. Box 253 Coatesville, Penna."

On September 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12. Adulteration of Dark Eyes. U. S. v. 54 Boxes and 9½ Dozen Packages of Dark Eyes. Default decrees of condemnation and destruction. (F. D. C. Nos. 51, 74. Sample Nos. 19572-D, 19573-D, 21542-D, 21543-D.)**

This cosmetic contained poisonous and deleterious substances—ammoniated silver nitrate and pyrogallol, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On August 11 and September 16, 1938, the United States attorneys for the District of Minnesota and the Eastern District of Michigan filed libels against 54 boxes of Dark Eyes at St. Paul, Minn., and 9½ dozen packages of the same product at Detroit, Mich.; alleging that the article had been shipped in interstate commerce by Dark Eyes from Chicago, Ill., on or about July 12 and 20, 1938; and charging that it was adulterated.

It was labeled in part: (Carton) "'Dark Eyes' Eyelash and Eyebrow Indelible Darkener \* \* \* Conforms with rulings of leading boards of health"; (bottles) "Read directions"; (on some bottles) "Black"; (on other bottles) "Brown"; (circular enclosed in the packages) "'Dark Eyes' Indelible Darkener Directions for use. 1. Cleanse lashes and brows carefully with luke warm water, using small amount of soap if lashes and brows are oily. 2. Apply cleansing cream to eyelids, below the eye and around the brows. Be careful not to allow the cream to touch either lashes or brows. 3. Apply 'Dark Eyes' No. 1 to the upper lashes with an upward stroke and to the lower lashes by gently stroking downward. 4. Now use the other brush to apply 'Dark Eyes' No. 2 to the upper and lower lashes in the same manner as 'Dark Eyes' No. 1. If after making this application you desire a darker shade, repeat the application of 'Dark Eyes' No. 1 and No. 2 until the desired shade is obtained. 5. Use moistened cotton to remove excess darkener from the lashes. 6. Now you are ready to darken the eyebrows. Apply 'Dark Eyes' No. 1 and 'Dark Eyes' No. 2 to both brows as you did the lashes and remove immediately. We suggest the use of a cotton swab and cleansing cream, removing the last traces of the darkener and the cream with cleansing tissues or cotton. 7. During the treatment should the skin accidentally become stained, apply cream and wash gently with soap and water. Never mix No. 1 and No. 2 and be sure to keep the brushes separate."

On October 12 and 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### HAIR DYES

**13. Adulteration of Eau Sublime Hair Coloring. U. S. v. 11 Dozen Packages of Eau Sublime Instantaneous Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 144. Sample No. 42092-D.)**

Each carton of this product contained two bottles, one labeled "A" contained paraphenylenediamine and the one labeled "B" contained a solution of approximately 6 percent of hydrogen peroxide. It was a hair dye and was not labeled in the manner required by law.

On January 30, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 dozen packages of Eau Sublime Instantaneous Hair Coloring.

taneous Hair Coloring at Philadelphia, Pa.; alleging that the article had been shipped on or about December 9, 1938, by the Guilnard Co., Inc., from New York, N. Y.; and charging that it was adulterated. The article was labeled in part: (Carton) "Jet Black No. 1 Eau Sublime Instantaneous Hair-Coloring Net Weight 2 Ounces \* \* \* Caution:—This product contains an aniline derivative which may cause skin irritation on certain individuals, and a preliminary test according to accompanying directions should first be made. \* \* \* Manufactured by The Guilnard Co., Inc. New York."

Adulteration was alleged in that the article contained hydrogen peroxide and paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling, and the carton label and the label of bottle "B" did not bear the statement, "Caution—this product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows. To do so may cause blindness," required by the act.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**14. Adulteration of Madam Marva Hair Coloring. U. S. v. 62 Packages of Madam Marva Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 108. Sample No. 46330-D.)**

This product was a hair dye containing paraphenylenediamine and was not labeled in the manner required by law in the case of such preparations.

On January 7, 1939, the United States attorney for the Northern District of Illinois filed a libel against 62 packages of Madam Marva Hair Coloring at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by the Madam Marva Products Co. from St. Louis, Mo.; and charging that it was adulterated.

The article was labeled in part: (Carton) "Important. Because a few people cannot use certain foods or drugs with immunity the instructions and directions on the enclosed folder must be read and followed carefully. Beauty operators using this preparation in their shops must comply specifically with the conditions on the enclosed folder. The perishable nature of the contents of this package makes it necessary that for the most efficient results it should be used prior to Sep. 39"; (circular) "This Preparation Is Not Intended For Use On Eyelashes Or Eyebrows. Important Instructions A few people according to medical authorities have an idiosyncrasy towards certain foods, drugs and chemicals. As an example, so harmless a food as Strawberries may cause certain people to 'break out' with a rash. Likewise, Quinine a very widely used drug will occasionally cause a rash or 'breaking out'. To determine whether you are susceptible to this type of dye, mix same as stated in directions, now moisten a piece of cotton with this mixture and apply it to a washed surface of the skin on the inside fold of the elbow. Allow this cotton to remain in place by bandaging over night, and if at any time during this period irritation should occur, remove the cotton immediately and wash with soap and water. This indicates that you cannot use this type of dye, and it should not be applied to the hair. If no reaction occurs proceed to dye hair as stated in the directions. Notice To Hairdressers Beauty operators using this preparation in their establishments must instruct their customer as to the properties of this dye, and must require the customer to sign this direction and instruction sheet, after carefully reading and making the test as called for. Failure to do so will place responsibility for its use with you. Madame Marva Products Co. St. Louis, Mo."

Adulteration was alleged in that the article contained paraphenylenediamine, which might have rendered it injurious to users under conditions of use prescribed in the labeling, its label did not bear the statement, "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," and its labeling did not bear adequate directions for such preliminary testing.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**15. Adulteration and misbranding of Posner's Black Hair Coloring. U. S. v. 65 Cartons of Posner's Black Instantaneous Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 170. Sample No. 59651-D.)**

Each carton of this product contained two bottles; one labeled "A" contained paraphenylenediamine and the other labeled "B" contained a solution of approximately 5 percent of hydrogen peroxide. It was a hair dye and was not labeled in the manner required by law.

On February 15, 1939, the United States attorney for the District of New Jersey filed a libel against 65 cartons of the above-named cosmetic at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about December 12, 1938, and January 3, 1939, by I. Posner from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Carton) "Posner's Black Instantaneous Hair Coloring Leaves the hair soft and glossy Caution—This product contains an aniline derivative or an amine, which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made I. Posner Perfumer New York"; (bottles "A" and "B") "Black Posner's Instantaneous Hair Coloring By one single application will color gray, faded or bleached hair to its original shade. Natural and durable colors. Directions inside. Sold by all Druggists. Hair Dealers and Department Stores. This dye cannot be washed off or bleached out"; (bottle "A" only) "Caution: This product contains an aniline derivative or an amine, which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance—paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual, and the label did not bear the "Caution" statement in the form prescribed by law, namely, "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," either on the carton or bottle "A"; while bottle "B" bore no "Caution" statement at all.

Misbranding was alleged in that the "Caution" required by law was not prominently placed on the labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On March 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**LIPSTICKS**

**16. Adulteration of Guerlain Lipsticks. U. S. v. 40,270 Lipsticks. Consent decree of condemnation. Product released under bond conditioned that it be removed from containers, placed in mass form, and reshipped to country of origin. (F. D. C. No. 233. Sample Nos. 60146-D, 60148-D, 60152-D, 60159-D, 60160-D, 60161-D.)**

This product was a cosmetic containing cadmium and selenium—poisonous or deleterious substances which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On June 16, 1939, the United States attorney for the Southern District of New York filed a libel against 40,270 lipsticks at New York, N. Y.; alleging that the article had been shipped from Europe to New York, N. Y., within the period from on or about September 29, 1936, to on or about January 13, 1939; and charging that it was adulterated. The article was labeled variously: (Cartons) "Rouge A Levres Clair Guerlain No. 144"; "Rouge A Levres Mandarin Guerlain No. 160"; "Rouge A Levres Medium Guerlain No. 145"; "Pomades Rouges Medium Guerlain \* \* \* Paris"; (some containers) "Guerlain Paris France."

On August 16, 1939, Guerlain, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be removed from



the containers and placed in mass form for reshipment to Paris, France, and that the containers be salvaged.

#### CREAMS AND LOTIONS

**17. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29435-D.)**

This product was recommended in its labeling for brightening sallow or dark skin, for the treatment of freckles and skin-blotch, and for clearing the complexion. It was directed in the labeling that it be applied with the tips of the fingers before retiring and allowed to remain on the skin overnight and that after washing in the morning it be applied and allowed to remain from 5 to 10 minutes. It contained ammoniated mercury, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed in its labeling or under such conditions of use as are customary or usual.

On March 3, 1939, the United States attorney for the Northern District of Ohio filed a libel against 717 tins of the above-named product at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by the Madam C. J. Walker Manufacturing Co. from Indianapolis, Ind.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated under the provisions of the law applicable to cosmetics for the reasons stated above. It was also alleged to be misbranded under those applicable to drugs, as reported in D. D. N. J. No. 67.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**18. Adulteration and misbranding of Miller's Anti-Mole. U. S. v. 21 Packages of Miller's Anti-Mole. Default decree of condemnation and destruction. (F. D. C. No. 228. Sample No. 66601-D.)**

This product was recommended in the labeling for use on the face, neck, scalp, arms, or any part of the body for the removal of warts and moles. It contained nitric and acetic acid, poisonous or deleterious substances, which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. The labeling bore directions that it be applied with a hardwood toothpick, used very sparingly so that all the liquid applied would be absorbed; that small warts on the scalp usually could be rubbed off with the first application, a large one requiring more thorough treatment; and that one application was sufficient to remove warts when used properly. It was further directed that the user pick gently so that the liquid would penetrate the skin if the growth treated was very small, that when the skin turned yellow no more should be applied; but that with a large wart enough should be used to turn it dark; that about two hours after applying, the growth should be greased with vaseline to keep it soft and to prevent soreness. Users were cautioned not to use the preparation on themselves unless the growth was on arm, leg, or where freely accessible; that the scab should not be picked off; that a little vaseline should be placed around the growth to keep the liquid from spreading; and that the product should not be permitted to enter the eye. The labeling also bore the word "Poison" and external and internal antidotes.

On May 16, 1939, the United States attorney for the Western District of Missouri filed a libel against 21 packages of Miller's Anti-Mole at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about March 13, 1939, by the Miller Manufacturing Co. from Lincoln, Nebr.; and charging that it was adulterated and misbranded.

It was alleged to be an adulterated cosmetic for the reasons given above. It was also alleged to be a misbranded drug as reported in D. D. N. J. No. 71.

On July 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**19. Adulteration and misbranding of O. J.'s Beauty Lotion. U. S. v. 428 Bottles of O. J.'s Beauty Lotion. Default decree of condemnation and destruction. (F. D. C. No. 242. Sample No. 62843-D.)**

This product contained mercuric chloride, a poisonous and deleterious ingredient.

On August 8, 1939, the United States attorney for the Northern District of Texas filed a libel against 428 bottles of O. J.'s Beauty Lotion at Dallas, Tex.; alleging that the article had been shipped in interstate commerce by O. J.'s



Beauty Lotion Co. from Shreveport, La. (consigned about May 8, 1939); and charging that it was adulterated and misbranded. It was labeled in part: "O. J.'s Beauty Lotion Cleanses, Clears, Bleaches, Beautifies \* \* \* Manufactured and guaranteed by O. J. Parham for O. J.'s Beauty Lotion Co., Shreveport, La."

Adulteration was alleged in that the article was a cosmetic and contained mercuric chloride, a poisonous and deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. It was recommended in its labeling for the removal of externally caused pimples, freckles, superficial discoloration, tan, and sunburn. The circular accompanying it bore directions that in the beginning of the treatment the preparation be used sparingly once or twice a day and that the frequency of application be increased, if desired, until a roughness or slight reddening of the skin was experienced; that if the skin was supersensitive and the irritation became annoying a small amount of cold cream should be applied and the treatment discontinued for 24 hours; that it be used daily as a cleansing agent; its astringent and beneficial qualities making it especially desirable for such purposes. It stated that frequent use of the article would remove superficial imperfections, contract the pores and correct oiliness; that it contained ingredients recognized and used by physicians and prescription druggists as a bleaching agent; that it had gained supremacy in the most difficult sun country—the South—and if used full strength daily, would remove freckles and similar spots or blemishes and the coarsening effects of tan by sun and wind. It stated that the lotion be used full strength as an application to the scalp before shampooing and three or four times a week on the scalp in a solution of one part of the lotion to three parts of water applied with fingertips or brush; that it was a delightful after-shaving lotion and would tend to close large pores and leave the face clean and cool; that it was a desirable application for cuts, scratches, and abrasions of the skin for which it should be used full strength; that its astringent properties would prevent collection of foreign matter and excessive oily secretions. Its labeling bore the word "Poison" and directions that it should not be taken internally and should be kept out of the hands of children.

It was also alleged to be a misbranded drug, as reported in D. D. N. J. No. 72.

On September 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**20. Adulteration and misbranding of Othine. U. S. v. 26 Packages and 28 Jars of "Othine, Triple Strength." Default decrees of condemnation and destruction. (F. D. C. Nos. 213, 214. Sample Nos. 35880-D, 52229-D.)**

This product was a skin bleach prepared especially for the removal of freckles. It contained ammoniated mercury, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed or under the conditions of use which are customary or usual. Its labeling bore directions that it be applied lightly with the finger tips, before retiring after first washing the face with soap and warm water and drying it thoroughly; that it should not be rubbed in and should be left on all night and washed off in the morning, and that directions should be followed nightly until entire jar had been used. The user was cautioned not to apply the cream too close to the eyes or on eyelids, throat or neck, or near open cuts and not to use it while one has prickly heat or fresh sunburn. It was directed in the circular that in the case of sensitive skin showing irritation after first day's applications, that the treatments should be stopped and a little vaseline applied; and that they should be resumed after 2 or 3 days with one application every other day until the skin became used to it, increasing by degrees until one treatment a day could be given without causing irritation.

On March 30 and 31, 1939, the United States attorneys for the District of Massachusetts and the Western District of Pennsylvania filed libels against 26 packages of Othine at Boston, Mass., and 28 jars of Othine at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce by the Othine Laboratories, Inc., from Buffalo, N. Y., within the period from on or about December 1, 1938, to on or about March 15, 1939; and charging that it was adulterated and misbranded.

The article was alleged to be an adulterated cosmetic for the reasons stated above. It was also alleged to be a misbranded drug as reported in D. D. N. J. No. 69.

On April 24 and May 1, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**21. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decrees of condemnation and destruction. (F. D. C. No. 183. Sample No. 35008-D.)**

This product contained mercuric chloride (corrosive sublimate), a poisonous or deleterious substance, which might have rendered it injurious to users, under the conditions of use prescribed in the labeling in which it was recommended for use after shaving and as a beautifier by removing eczema, pimples, dandruff, and itching scaly eruptions. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On March 3, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging that it was adulterated and misbranded. It was alleged to be an adulterated cosmetic for the reasons stated above. It was also alleged to be a misbranded drug, as reported in D. D. N. J. No. 68.

It was also alleged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30883 published under that act.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**22. Adulteration and misbranding of Soule's External Lotion. U. S. v. 5 Bottles and 8 Bottles of Soule's External Lotion. Default decrees of condemnation and destruction. (F. D. C. Nos. 221, 229. Sample Nos. 10474-D, 13696-D.)**

This product was recommended in its labeling as a treatment for moth, tan, freckles, and pimples. It contained mercuric chloride, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed, or under such conditions of use as are customary or usual. For the treatment of moth it was directed that a soft cloth be moistened with the lotion, the face bathed morning and evening for 2 or 3 weeks or until a slight roughness was experienced, and that then the lotion be applied evenings until the face became clear; that for tan it be applied every evening; that for freckles it be used in the same manner as for tan unless the case was severe, in which event it should be applied as for moth; and that for pimples it be applied every evening but that if it proved stronger than was pleasant for the face, the cloth be dampened in water, the lotion applied to the damp cloth, and application be made less frequently.

On April 17 and May 13, 1939, the United States attorney for the Southern District of Florida filed libels against 13 bottles of Soule's External Lotion at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about February 1 and April 18, 1939, by L. M. Brock & Co. from Lynn, Mass.; and charging that it was an adulterated cosmetic for the reasons appearing hereinbefore.

It was also charged to be a misbranded drug as reported in D. D. N. J. No. 70.

On June 22, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS)**

**TOOTH PASTES AND SHAVING CREAM**

**23. Misbranding of tooth paste. U. S. v. 185 Packages of Sears Tooth Paste and 78 Packages of Walter's Tooth Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 835, 836. Sample Nos. 73757-D, 73758-D.)**

The containers of this product were deceptive since the tubes occupied only 30 percent of the capacity of the cartons. The labeling of Walter's Tooth Paste bore false and misleading representations regarding its efficacy.

On October 30, 1939, the United States attorney for the District of Massachusetts filed libels against 263 packages of tooth paste at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about July 12, August 16, and September 25, 1939, by the Sheffield Co. from New London, Conn.; and charging that it was misbranded. It was labeled in part: (Cartons and tubes) "Sears Tooth Paste \* \* \* Distributed by Sears, Roebuck and Co. Chicago, Ill."; or "Walter's For The Gums Tooth Paste \* \* \* Sold Only By Sears, Roebuck and Co."

Misbranding was alleged in that the containers were so made, formed, or filled as to be misleading. Further misbranding of Walter's Tooth Paste was alleged in that the statement "For the Gums," appearing in the labeling, was false and misleading since it represented that the article was efficacious for the purpose recommended: whereas it was not.

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**24. Misbranding of tooth paste and dental cream. U. S. v. 3 Gross Packages of Tooth Paste, and 3 Gross Packages of Dental Cream. Default decrees of condemnation. Products delivered to charitable organization. (F. D. C. Nos. 546, 547. Sample Nos. 67651-D, 67652-D.)**

The tubes containing these products occupied less than one-third of the capacity of the cartons. The labeling of the dental cream bore the false and misleading claim that it would make the gums healthy and firm.

On September 6, 1939, the United States attorney for the Southern District of New York filed libels against 6 gross packages of dentifrices at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about July 11 and August 11, 1939, by Trade Laboratories, Inc., from Newark, N. J.; and charging that they were misbranded. The articles were labeled: "Cabot's Tooth Paste with Milk of Magnesia \* \* \* Redd Chemical Co., Distributors, Newark, New Jersey"; and "Lee's Milk of Magnesia Dental Cream \* \* \* The Trade Laboratories, Inc., Distributors, Newark, N. J."

Misbranding was alleged with respect to both products in that the containers were so made, formed, and filled as to be misleading. Lee's Dental Cream was alleged to be misbranded further in that the representation on the tube that it would make the gums healthy and firm was false and misleading since it was not efficacious for the purposes recommended. It was also alleged to be misbranded under the provisions of the law applicable to drugs reported in D. D. N. J. No. 73.

On September 25, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.

**25. Misbranding of dental cream and shaving cream. U. S. v. 95 Dozen Packages of Dental Cream and 59 Dozen Packages of Shaving Cream. Default decrees of condemnation and destruction. (F. D. C. Nos. 770, 771. Sample Nos. 47500-D, 78501-D.)**

The containers of these products were deceptive, examination having shown that the tubes occupied slightly more than one-fourth of the capacity of the cartons.

On October 18, 1939, the United States attorney for the District of Maryland filed libels against 95 dozen packages of dental cream and 59 dozen packages of shaving cream at Baltimore, Md.; alleging that the articles had been shipped in interstate commerce on or about September 8 and 22, 1939, by the National Gibson Co., Inc., from New York, N. Y.; and charging misbranding in that the containers were so made, formed, or filled as to be misleading.

The articles were labeled in part: "Gibson Milk of Magnesia Dental Cream [or "Gibson Howell Shaving Cream"] Gibson-Howell Co. Jersey City, N. J."

On November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**DEODORANTS**

**26. Misbranding of Hush Cream Deodorant and Hush-Sno. U. S. v. 14½ Dozen Boxes of Hush and 11½ Boxes of Hush-Sno. Default decrees of condemnation and destruction. (F. D. C. Nos. 340, 343. Sample Nos. 45577-D, 45578-D.)**

The containers of these products were so made, formed, and filled as to be misleading since they appeared to hold at least three times as much as they did because of the recess in the bottoms, of the double bottoms, and the fact that the covers did not fit flush over the bottom compartments.

On August 1, 1939, the United States attorney for the Northern District of Georgia filed libels against 14½ dozen boxes of Hush and 11½ boxes of Hush-Sno at Atlanta, Ga.; alleging that the articles had been shipped in interstate commerce on or about July 3 and 5, 1939, by the Hush Sales Co. from Philadelphia, Pa.; and charging that they were misbranded.

On August 28, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.



- 27. Misbranding of deodorant cream. U. S. v. 47½ Dozen Packages of Yodora Deodorant Cream. Consent decree of condemnation. Product released under bond for relabeling and repackaging.** (F. D. C. No. 872. Sample No. 82441-D.)

The containers of this product were deceptive, examination having shown that the tubes occupied less than one-fourth of the capacity of the cartons.

On November 6, 1939, the United States attorney for the Northern District of Georgia filed a libel against 47½ dozen packages of Yodora Deodorant Cream at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by William J. Wardell, trustee for the estate of McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On November 25, 1939, the shipper having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled and repackaged under the supervision of this Department.

#### FACE AND TALCUM POWDERS

- 28. Misbranding of face powder. U. S. v. 108 Boxes of Evening in Paris Face Powder. Default decree of condemnation and destruction.** (F. D. C. No. 304. Sample No. 45573-D.)

The container of this product was so made, formed, and filled as to be misleading since, by reason of excessive headspace and a recess in the bottom, it contained about one-third the amount of powder indicated by its outward appearance.

On July 20, 1939, the United States attorney for the Northern District of Georgia filed a libel against 108 boxes of Evening in Paris Face Powder at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about July 6, 1939, by the G. W. Button Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Packed by Crillon Sales Co., N. Y. C. Authorized Distributor."

On September 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 29. Misbranding of face powder. U. S. v. 708 Boxes of Max Factor's Face Powder. Default decree of condemnation and destruction.** (F. D. C. No. 268. Sample No. 65716-D.)

The container of this product was so made, formed, and filled as to be misleading since, by reason of excessive headspace and a recess in the bottom, it contained about one-third the amount of powder indicated by its outward appearance.

On July 10, 1939, the United States attorney for the Northern District of Georgia filed a libel against 708 boxes of Max Factor's Face Powder at Rome, Ga.; alleging that the article had been shipped in interstate commerce on or about June 26, 1939, by the Chelsea Drug Sundries Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Max Factor's Face Powder Repacked by Premier Laboratories, Inc. Wholly independent of Max Factor."

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 30. Misbranding of talcum powder. U. S. v. 45 Dozen Cans of Talcum Powder. Default decree of condemnation and destruction.** (F. D. C. No. 656. Sample No. 47919-D.)

The containers of this product were deceptive, examination having shown that they could easily hold an additional ounce of talcum powder.

On September 28, 1939, the United States attorney for the District of Maryland filed a libel against 45 dozen cans of talcum powder at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by Talcum Puff Co. from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

Portions of the article were labeled in part: "White Swan [or "Showers of Flowers"] Mirador Perfume Co. New York—Jacksonville, Fla. Toronto Av. net wt. 6 ozs." The remainder was labeled in part: "Sweet Pea [or "Lily of the Valley"] Talcum Puff Co. New York \* \* \* Av. net wt. 6 ozs."

On October 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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